



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.	:	10/791,920
APPLICANT	:	Isabel Vega Carrascal, et al.,
FILED	:	2 March 2004
EXAMINER	:	TO BE ASSIGNED
ART UNIT	:	TO BE ASSIGNED
FOR	:	COMPOSITION FOR DYEING HUMAN HAIR

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

17 May 2004

PETITION TO MAKE APPLICATION ON BEHALF OF NONSIGNING INVENTOR
PURSUANT TO 37 CFR § 1.47(a)

Sir:

It is respectfully requested that the declaration of facts and the exhibits filed with this petition be considered in finding that inventor Bernd Nöcker may properly make application for patent on behalf of himself and a nonsigning co-inventor pursuant to 37 CFR § 1.47(a).

All of the facts stated herein are, to the best of my knowledge, true and accurate.

1. Bernd Nöcker of Ober Ramstadt, Germany, and Isabel Vega Carrascal of Valladolid, Spain, are inventors of the subject matter claimed in this application.
2. Ms. Isabel Vega Carrascal and Mr. Nöcker are the inventors of the subject matter disclosed and claimed in the above-referenced application. The subject matter of the above-referenced application was assigned to KAO PROFESSIONAL

SALON SERVICES, GmbH, ("KPSS"). The assignment to KPSS was effected by Ms. Carrascal and Mr. Nöcker, when each independently executed three separate assignments corresponding to each of three German priority documents. Copies of Ms. Carrascal's three executed documents and the English translations are submitted herewith as Exhibit 1.

3. Currently, Ms. Carrascal refuses to sign a declaration pursuant to 37 CFR § 1.63.
4. On 16 February 2004, the application papers accompanied by an assignment, a declaration, and a letter (see Exhibit 2) requesting Ms. Carrascal to sign the new assignment and declaration was sent to her most recently known address:

Isabel Vega Carrascal
c/Juan de Valladolid 36 4º
Valladolid, 47014
Spain

In accordance with the evidentiary guidelines set out in MPEP § 409.02, it is believed that these documented facts support the conclusion that KPSS has performed a *bona fide* attempt to contact Ms. Carrascal, and to deliver to her the application papers, declaration and new assignment.

5. However, the declaration and assignment sent to Ms. Carrascal on 16 February 2004 was not returned to KPSS, indicating Ms. Carrascal's refusal to sign the declaration.
6. Ms. Carrascal's refusal to sign the declaration was directly established in a personal telephone conversation that took place on 23 March 2003 between Ms. Carrascal, and Dr. Mustafa Grit, head of the KPSS patent department.

In this conversation with Dr. Grit, Ms. Carrascal expressly refused to sign the declaration. Further, she refused to explain her reasons for refusing to sign the declaration.

7. In view of the foregoing facts, it was decided to file this petition pursuant to 37 CFR § 1.47(a). It is respectfully requested that the Office of Petitions grant the petition and permit Mr. Bernd Nöcker the right to apply for patent in his behalf and that of Ms. Carrascal.
8. In accordance with 37 CFR § 1.47(a), an executed Declaration pursuant to 37 CFR § 1.63, is submitted herewith. The Declaration further includes an unsigned signature block bearing Ms. Carrascal's name.



Dr. Mustafa Grit
Head of Patent Department,
Kao Professional Salon Services

2.6.2004

Date

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Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 21, 2004

TRANSMITTAL OF PETITION

Sir:

It is respectfully requested that accompanying Exhibit 4 be entered into the record, and be considered together with Exhibits 1-2 that are described in the accompanying petition.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to
Deposit Account No. 14-1263.

Respectfully Submitted,

Norris, McLaughlin & Marcus
220 East 42 nd Street
New York, NY 10017
Telephone (212) 808-0700
Facsimile (212) 808-0844


Theodore Gottlieb, PhD

Reg. No. 42, 597

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 21, 2004

(Date)


Typed or printed name of transmitter

Signature Theodore Gottlieb



TRANSLATION

GOLDWELL GmbH · D- 64280 Darmstadt

Ms.
Isabel Vega
Dev. Color

date 08.05.2002
your ref
our ref A-05/02
extension 502-359
fax 502-491

copies:

Your invention: „Composition for Dyeing Human Hair“

Dear Ms. Vega,

We herewith claim your above referred invention unlimited according to §§ 6, 7 of the German Law on Employee Inventions.

All rights on this invention are herewith transferred to our company.

We have filed a German patent application on this invention. In due time before the termination of the priority year, we will decide on the filing of further foreign applications.

Please confirm the receipt of this letter by your signature on the enclosed copy and return this copy to Intellectual Property Dep.

Sincerely yours,
GOLDWELL GmbH

H.R.Wagner

A. Taiber

GOLDWELL GmbH
Zemminstr. 10-18
64297 Darmstadt (Sitz)
Im Leuschner Park 2
64347 Griesheim (Verwaltung)
Telefon: 06151/502-0
www.goldwell.com



GOLDWELL GmbH • D-64280 Darmstadt

Frau
 Isabel Vega
 Dev. Color

Datum	07.02.02
Ihr Zeichen	
Unser Zeichen	A-02/02
Durchwahl	502-359
Telefax	502-491

Kopien:

Ihre Erfindung: „Haarfärbemittel“

Sehr geehrte Frau Vega,

Ihre obengenannte Diensterfindung nehmen wir nach §§ 6 und 7 des Gesetzes über Arbeitnehmererfindungen unbeschränkt in Anspruch.

Hiermit sind alle Rechte an der Erfindung auf uns übergegangen.

Wir haben die Erfindung in Deutschland zum Patent angemeldet. Über die Vornahme von Auslandsanmeldungen werden wir rechtzeitig vor Ablauf des Prioritätsjahres entscheiden.

Wir bitten Sie, uns den Erhalt dieses Schreibens durch Ihre Unterschrift auf der beiliegenden Kopie zu bestätigen und diese an den Bereich Gewerbliche Schutzrechte zurückzugeben.

Mit freundlichen Grüßen
GOLDWELL GmbH

H.R.Wagner

A. Taiber

Isabel Vega

18.02.02

GOLDWELL GmbH
 Zeminstr. 10-18
 64297 Darmstadt (Sitz)
 Im Leuschner Park 2
 64347 Griesheim (Verwaltung)
 Telefon: 06151/502-0
www.goldwell.com



TRANSLATION

GOLDWELL GmbH · D- 64280 Darmstadt

Ms.
Isabel Vega
Dev. Color

date	19.03.2002
your ref	
our ref	A-04/02
extension	502-359
fax	502-491

copies:

Your invention: „Composition for Dyeing Human Hair“

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We herewith claim your above referred invention unlimited according to §§ 6, 7 of the German Law on Employee Inventions.

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H.R.Wagner

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64347 Gräfesheim (Verwaltung)
Telefon: 06151/502-0
www.goldwell.com

GOLDWELL
PROFESSIONAL HAIRCARE

GOLDWELL GmbH · D-64280 Darmstadt



Frau
Isabel Vega
Dev, Color

Datum	19.03.02
Ihr Zeichen	
Unser Zeichen	A-04/02
Durchwahl	502-359
Telefax	502-491

Kopien:

Ihre Erfindung: „Haarfärbemittel“

Sehr geehrte Frau Vega,

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Mit freundlichen Grüßen
GOLDWELL GmbH

H.R.Wagner

A. Taiber

Isabel Vega

GOLDWELL GmbH
Zerninstr. 10-18
64297 Darmstadt (Sitz)
Im Leuschner Park 2
64347 Griesheim (Verwaltung)
Telefon: 06151/502-0



EXHIBIT I
3 (3)

TRANSLATION

GOLDWELL GmbH · D- 64280 Darmstadt

Ms.
Isabel Vega
Dev. Color

date 07.02.2002
your ref
our ref A-02/02
extension 502-359
fax 502-491

copies:

Your invention: „Composition for Dyeing Human Hair“

Dear Ms. Vega,

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Sincerely yours,
GOLDWELL GmbH

H.R.Wagner

A. Taiber

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Zemminstr. 10-18
64227 Darmstadt (Sitz)
Im Leuschner Park 2
64347 Griesheim (Verwaltung)
Telefon: 06151/502-0
www.goldwell.com

GOLDWELL
PROFESSIONAL HAIRCARE

GOLDWELL GmbH · D-64280 Darmstadt

Frau
Isabel Vega
Dev. Color



Datum:	08.05.2002
Ihre Zeichen:	
Unser Zeichen:	A-05/02
Durchwahl:	502-259
Telefax:	502-271

Kopien:

Ihre Erfindung: „Haarfärbemittel“

Sehr geehrte Frau Vega,

Ihre obengenannte Diensterfindung nehmen wir nach §§ 6 und 7 des Gesetzes über Arbeitnehmererfindungen unbeschränkt in Anspruch.

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Wir bitten Sie, uns den Erhalt dieses Schreibens durch Ihre Unterschrift auf der beiliegenden Kopie zu bestätigen und diese an den Bereich Gewerbliche Schutzrechte zurückzugeben.

Mit freundlichen Grüßen
GOLDWELL GmbH

H.R. Wagner

A. Taiber



EXHIBIT 2

K) P S S

KPSS GmbH · Pfungstädter Straße 92-100 · D-64297 Darmstadt

EINSCHREIBEN

Isabel Vega Carrascal
C/Juan de Valladolid 36 4º B

Ihr Zeichen:

Unser Zeichen: A-03+5+6/03

E - 47014 Valladolid
Spain

Datum: 16.02.2004/CPF

Telefon: +49 6151 3960 492

Telefax: +49 6151 3960 491

Re.: U.S. Patent Application for your inventions

Dear Ms. Vega Carrascal,

I refer to the previous e-mail correspondence between Dr. Grit and you and provide you now with an assignment and a declaration that we need to be signed by you.
Please insert your signature on page 2, of the Assignment and on page 3 of the Declaration. The places are both marked with a cross.
We kindly ask you to return the executed documents at your earliest convenience.

Sincerely yours,

KPSS GmbH
Legal & IP Dep.

Christiana Pfaff

KAD PROFESSIONAL SALON SERVICES

KPSS GmbH · Pfungstädter Straße 92-100 · D-64297 Darmstadt · Telefon: 0 61 51/39 60-0 · Telefax: 0 61 51/39 60-111
Bankverbindung: Commerzbank AG Darmstadt · BLZ 508 400 05 · Konto 130 792 200 · Swift: COBADEF Darmstadt HRB 5974
Geschäftsführer: Tomoyuki Okada, Arnulf Taiber · www.kpss-hair.com



Attorney Docket No. 101216-39 BSL/TAG

APPLICANT: Nögel et al.

TITLE: Composition for Dyeing Human Hair

USSN: 10/791,920

FILED: 2 March 2004

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EV 424017559 US

Date of Deposit July 21, 2004

I hereby certify that the following items:

1. Original executed Combined Oath, Declaration & Power of Attorney
2. Copy of Notice to File Missing Parts
3. Fee Transmittal – Charge Deposit Account
4. Petition to make Application on Behalf of Nonsigning Inventor pursuant to 37 CFR 1.47(a)
5. Transmittal of Petition
6. Exhibit 1 (3 sheets) and translation (3 sheets)
7. Exhibit 2
8. Express Mail Certificate
9. Return Receipt Postcard

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Agata Glinska
Agata Glinska